

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 ISO-00 L-03 DLOS-09 COME-00 CIAE-00
INR-07 NSAE-00 PM-05 DODE-00 INT-05 /049 R

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EUR/SOV - MR. COLBERT

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-----015077 300925Z /13

R 292044Z JUL 77
FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: TPHY, TBIO, PLOS

SUBJECT: NOAA MARINE SCIENTIFIC RESEARCH

REF: (A) MOSCOW 10472 (B) STATE 160732 (C) STATE 126128
(D) STATE 49778 (E) STATE 42826 (F) ZNAMENSKIY-SULLIVAN
MEMCON APRIL 29

1. DEPT. IS PUZZLED BY SOME OF THE COMMENTS REPORTED
PARA 3 REF A. IT APPEARS THE SOVIETS ARE EQUATING REFER-
ENCES TO BIOLOGICAL DATA AND MAMMAL OBSERVATIONS TO FISH-
ERIES RESEARCH. THIS IS DIFFICULT TO CONCEIVE, IN VIEW
NOT ONLY OF THE INFORMATION PROVIDED IN REFS B AND C BUT
ALSO THE EXTENSIVE INFORMATION ON THE PROGRAM PROVIDED
TO THEM LAST YEAR. IT SHOULD BE OBVIOUS THAT THE PROGRAM
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PHASE DISCUSSED HERE IS PHYSICAL OCEANOGRAPHY. BIOLOGICAL
DATA IS COLLECTED IN OTHER PHASES OF PROGRAM BEING CON-
DUCTED ON THE U.S. SIDE OF THE BERING SEA, AND ARE PART
OF THE ASSESSMENT OF ENVIRONMENTAL IMPACT OF OIL OPERA-
TIONS ON U.S. CONTINENTAL SHELF. THIS CAN HARDLY BE
CONSIDERED TO BE FISHERIES RESEARCH. OBSERVING BIRDS
AND MAMMALS IS A COMMON BUT MINOR SIDELINE OF NUMEROUS

CRUISES PRIMARILY TAKING ADVANTAGE OF SHIP BEING THERE.
IN THIS CASE THEY ARE MERELY COUNTING THE BIRDS AND

MAMMALS SEEN.

2. WE ARE ALSO PUZZLED BY THE REFERENCE TO THE SOVIET
200 MILE ZONE, AS WE UNDERSTAND IT APPLIES ONLY TO FISHING,
AS DOES U.S. 200 MILE ZONE. THE SOVIETS HAVE NOT SHOWN
SIGNS OF DISAGREEMENT WITH OUR VIEWS REGARDING FISHERIES
RESEARCH AS EXPRESSED IN REFS D AND E. WHAT YOU TOLD
THEM MUST HAVE GOTTEN ACROSS, BECAUSE ZNAMENSKIY APPEARED
TO HAVE COMPLETE COMPREHENSION IN THE DISCUSSION REPORTED
REF F. MOREOVER, SOVIET FISHERIES RESEARCH VESSELS HAVE
REGULARLY BEEN OPERATING IN THE U.S. ZONE WITHOUT PERMITS
AND WITHOUT PROBLEMS (EXCEPT FOR THE INSTANCE REPORTED
REF F). THEY DON'T HAVE PERMITS BECAUSE THEY ARE EITHER
DOING SCIENTIFIC RESEARCH (INCLUDING BIOLOGICAL OCEAN-
OGRAPHY) OR BECAUSE THEIR ACTIVITIES ARE CONDUCTED IN
FULL COOPERATION WITH NMFS. IT IS GOING SO SMOOTHLY
THAT DEPT. NEVER EVEN HEARS OF PRESENCE OF SUCH VESSELS
UNLESS THEY ARE MAKING PORT CALLS.

3. WITH REGARD TO THE STATEMENT ON LOS, WE HAVE MADE
IT ABUNDANTLY CLEAR TIME AND TIME AGAIN THAT ACCEPTANCE
OF A PROVISION IN THE UNCLOS DOES NOT RPT NOT MEAN THAT
WE ACCEPT IMPLEMENTATION OF THAT PROVISION PRIOR TO THE
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APPLICATION OF A COMPREHENSIVE LOS TREATY. PRESENTLY,
AS THE SOVIETS ARE AWARE, THE U.S. RECOGNIZES COASTAL
STATE RESEARCH AND FISHING JURISDICTION AS FOLLOWS:

A) ALL RESEARCH WITHIN THE 3 NAUTICAL MILE TERRITORIAL
SEA,

B) ALL FISHERIES RESEARCH WITHIN 12 NAUTICAL MILES OF THE
BASELINE OF THE TERRITORIAL SEA,

C) ALL FISHING WITHIN 200 NAUTICAL MILES OF THE BASELINE
OF THE TERRITORIAL SEA, EXCEPT TUNA, AND

D) RESEARCH CONCERNING THE CONTINENTAL SHELF AND UNDER-
TAKEN THERE.

IF THE SOVIETS ARE CONTEMPLATING IMPLEMENTATION OF THE
LOS PROVISIONS WITHIN 200 MILES OF THEIR COASTS, THEY
SHOULD BE AWARE THAT THE USG WOULD CONSIDER THIS TO BE
A VIOLATION OF THE INTERNATIONAL LAW GOVERNING FREEDOM
OF SCIENTIFIC RESEARCH ON THE HIGH SEAS. SOVIETS SHOULD
ALSO BE AWARE THAT THIS WILL ANTAGONIZE U.S. SCIENTISTS,

AND JEOPARDIZE MARINE SCIENCE COOPERATION. U.S. MARINE SCIENTISTS ARE MOST UNHAPPY ABOUT THE ANTI-SCIENCE STANCE THE SOVIETS HAVE TAKEN IN UNCLOS IN PUSHING A FULL CONSENT REGIME.

4. EMBOFF WAS QUITE CORRECT IN STRESSING THAT HIS PURPOSE WAS SIMPLY TO INFORM SOVIETS ABOUT THE OCEANOGRAPHIC RESEARCH, WHICH WE THOUGHT THEY WOULD BE VERY INTERESTED IN, AND TO INVITE THEIR PARTICIPATION.

5. QUESTIONS RAISED IN PARA 2 REF A ANSWERED SEPTTEL.

6. ACTION: WHAT SOVIETS HAD IN MIND IN MAKING THESE REMARKS OUGHT TO BE CLARIFIED AT SOME POINT. HOWEVER, LIMITED OFFICIAL USE

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UNLESS SIMILAR QUESTIONS ARISE IN MEANWHILE, IT WILL BE BEST TO DO SO ONLY AFTER SURVEYOR AND DISCOVERER COMPLETE THEIR WORK SO AS NOT TO RAISE FURTHER PROBLEMS FOR THEM, AND THEN IN ROUTINE AND LOW KEY MANNER. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DATA, OCEANOGRAPHIC RESEARCH, FUR BEARING ANIMALS
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE178466
Document Source: CORE
Document Unique ID: 00
Drafter: WLSULLIVAN:MJB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770273-1275
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977073/aaaaachj.tel
Line Count: 140
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4dcb5b65-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 MOSCOW 10472, 77 STATE 160732, 77 STATE 126128, 77 STATE 49778, 77 STATE 42826
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1779223
Secure: OPEN
Status: NATIVE
Subject: NOAA MARINE SCIENTIFIC RESEARCH
TAGS: TPHY, TBIO, PLOS
To: MOSCOW
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/4dcb5b65-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009